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Reconfiguration of the Committee of Experts on the Transport of Dangerous Goods

Note by the Secretary-General

The Secretary-General wishes to bring to the attention of the Council a letter dated 12 January 1999 which he has received from the President of the Intergovernmental Forum on Chemical Safety (see annex) and which concerns the reconfiguration of the Committee of Experts on the Transport of Dangerous Goods.**

* E/1999/100 and Add.1.

** See also E/1999/43, para. 1, draft resolution II, and paras. 18–25.

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Annex

Letter dated 12 January 1999 from the President of the Intergovernmental Forum on Chemical Safety to the Secretary-General

I write to ask you for your assistance in helping me to achieve a significant step forward on global chemical safety. The background to the issue is rather complex so I hope you will forgive me for explaining it all in some detail but I am sure that it will assist you in taking the matter forward.

The United Nations Conference on Environment and Development took place in Rio de Janeiro in June 1992. The Conference produced a blueprint for action entitled Agenda 21, and chapter 19 deals with the environmentally sound management of chemicals. The work required to achieve the goals of chapter 19 has progressed through the Intergovernmental Forum on Chemical Safety (IFCS), which was set up in 1994. Much progress has been made towards fulfilling these goals through work carried out under a number of programme areas. This progress has been reported regularly to the Commission on Sustainable Development.

Programme area B of chapter 19 concerns the global harmonization of classification and labelling of dangerous chemicals and has the objective of making a globally harmonized classification and compatible labelling system, including material safety data sheets and easily understandable symbols, available, if feasible, by the year 2000. Originally started by the International Labour Organization (ILO) in 1991 as a follow-up to its 1990 Chemicals Convention (No. 170), the practical work required to achieve a globally harmonized system has made great strides forward under the management of a Coordinating Group established by ILO under the Inter-Organization Programme for the Sound Management of Chemicals (IOMC). A set of harmonized classification criteria has now been elaborated and the work has been strongly supported by participants in IFCS.

The IOMC Coordinating Group has also considered how the harmonized system can be most effectively implemented and has been advised by IFCS that a non-binding mechanism is appropriate even though a binding mechanism should not be ruled out in the future. The IOMC Coordinating Group looked closely at a number of options and considers that the most realistic way forward is to use the existing framework of the Committee of Experts on the Transport of Dangerous Goods, which is a subsidiary body of the Economic and Social Council. The IOMC Coordinating Group was mindful that some countries do not want to create additional new international committees but at the same time acknowledged that the technical work of the Committee of Experts should not be disrupted in any way by these proposed changes.

The details of the proposed implementation mechanism and proposed changes to the scope and configuration of the Committee of Experts are set out in the enclosure. This question was discussed at the third meeting of the Intersessional Group (ISG3) of IFCS, held in Yokohama, Japan, from 1 to 4 December 1998. ISG3 endorsed the proposed implementation mechanism and asked me to write to you so that the Economic and Social Council could consider this restructuring at its substantive session of 1999. I have also been informed that at its twentieth session (Geneva, 7–16 December 1998), the Committee of Experts drafted a proposal for a Council resolution agreeing in principle to the envisaged reconfiguration of the Committee of Experts. The proposal will be included in the biennial report of the Committee of Experts which will be considered by the Council. The IOMC Coordinating Group has, of course, been very sensitive to the wishes and needs of the

Committee of Experts and has fully involved the Committee and its secretariat in all developments. Further, ISG3 requested the IOMC Coordinating Group, in close cooperation with the Committee of Experts, to draft terms of reference for the proposal so that these could be considered by the Council together with the draft resolution recommended by the Committee of Experts.

I hope that my explanation also conveys to you the strong commitment of participants, including Governments, intergovernmental organizations and non-governmental organizations to taking the issues forward in the way I have described. I therefore would be grateful if you could accede to my request and so pave the way for an important step forward to complete one part of programme area B, albeit a little later than what we originally planned. I would hope that with your cooperation we could achieve an implementing mechanism for the biennium 2001–2002. The global implementation of harmonized classification promises to bring benefits for both health safety and the environment and to enhance trade opportunities.

If necessary, additional technical details can be obtained from Isaac Obadia, Secretary of the IOMC Coordinating Group, at the International Labour Office.

(Signed) J. R. **Hickman**
President, IFCS

Enclosure

Third Meeting of the Intersessional Group
Intergovernmental Forum on Chemical Safety

Yokohama, Japan
1 - 4 December 1998

Programme Area B

Implementation of the Globally Harmonized System: Report on Status and Progress

IOMC CG/HCCS Contributions to Discussions at ISG3

Prepared by: IOMC Coordinating Group for the Harmonization of Chemical Classification Systems (CG/HCCS)

IMPLEMENTATION OF THE GLOBALLY HARMONIZED SYSTEM REPORT ON STATUS AND PROGRESS

I. Issues for consideration by ISG3

In response to an IFCS II (Ottawa, 1997) recommendation, the CG/HCCS reviewed at its 12th Consultation (London, 23-24 June 1998) the report of a Working Group - hosted by the UK (London, May 1998) - on mechanisms to implement the Globally Harmonized System for the Classification and Labelling of Chemicals (GHS). At previous meetings of the IOMC CG/HCCS a wide range of options for a suitable mechanism were examined. Advantages and disadvantages of alternative implementation systems, including the options of separate committees and sub-committees were discussed as summarized in **Annex**.

Due to the reluctance expressed by some countries to see the proliferation of additional committees, and to the fact that resource limitations make it difficult to establish a new international organization devoted to the GHS at this time, it is considered that the most realistic way forward is to use the existing framework of UN Committee of Experts on Transport of Dangerous Goods (UN CETDG) under the auspices of the UN Economic and Social Council (ECOSOC). At the same time, the CG/HCCS acknowledges that the work of the UN CETDG should not be disrupted by implementation of the GHS and its transport functions should continue with the same scope and same operating rules as at present.

In reviewing the available options, the Coordinating Group first focussed on clarifying the functions the GHS body would be expected to carry out and attempted to maximise the advantages, whilst minimising the disadvantages of the options considered. On balance, it agreed that the proposal for reconfiguring the existing UN CETDG and its Sub-Committee into a Committee with a new extended mandate with a Sub-Committee on the Transport of Dangerous Goods and a Sub-Committee on GHS represents a practical and acceptable solution. Details on rationale, proposed functions, participation, resources and operating

principles of the new parent committee and sub-committee on GHS are provided below.

The IOMC CG/HCCS would like to suggest that the ISG3:

- take note of the progress made under Programme Area B;
- request the CG/HCCS to develop terms of reference for the proposed ECOSOC body in close cooperation with the UN CETDG, based on the approach described, and report progress to IFCS III.
- request that the President of the Forum send a letter and the present document to the UN ECOSOC to have this issue introduced at their March 1999 Preparatory Meetings with the aim of including it as a discussion and decision item at the June 1999 formal Session.

II. Current situation

The Globally Harmonised System (GHS) is the consolidation of the technical criteria that have been developed covering the classification of health, physical, and environmental hazards end points, and the related harmonised hazard communication tools that constitute Programme Area B of Chapter 19 of the UNCED Agenda 21. The GHS will be an amalgamation of the technical work carried out in various international fora such as OECD, UN CETDG and ILO.

The Coordinating Group recognizes that in addition to being debated through the IOMC, ISG III and the UN CETDG, the impetus for making the necessary political decision on implementation could come from the UN ECOSOC, which is an appropriate body to house the GHS.

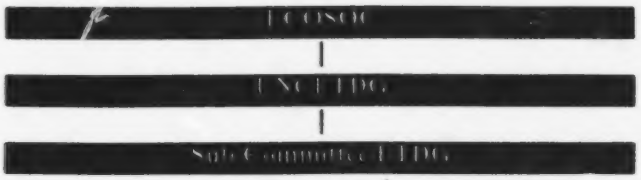
The Coordinating Group also recognizes that whatever implementation mechanism is chosen there are a number of important issues that will have to be addressed in other fora. In particular, if the benefits of the GHS are to be realised in terms of improvements in health, environmental protection and trade, then there will be a need for a coordinated adoption of the GHS by countries and organisations. It will be necessary in due course to consider an implementation timetable. The examination of their own systems and subsequent amendments by participating countries and organisations needs to take place in an orderly and timely fashion.

Thus far, the Coordinating Group has not considered whether a mechanism is needed for resolving differences in the application of the GHS, what such a mechanism might be, or where it might reside. Further, participating countries that may require assistance with capacity building will need to use the existing network of arrangements and organisations developing within the wider framework of Chapter 19, rather than rely on any new GHS resources.

PROPOSED IMPLEMENTATION MECHANISM FOR THE GHS

STRUCTURE

The current structure of ECOSOC/UNCETDG is as follows:



The proposed new structure would be as follows:

Legend : The names and titles used are purely for illustrative purposes.

UNCGHS&TDGUN Committee on the Globally Harmonised System & Transport of Dangerous Goods
ETDG Experts on the Transport of Dangerous Goods
EGHS Experts on the Globally Harmonised System

FUNCTIONS AND PARTICIPATION

Functions of the UN CGHS&TDG Committee

The reconfigured committee would deal with strategic issues rather than technical issues. It is not envisaged that it would review, change or revisit technical recommendations of the sub-committees. Accordingly, its main functions would be to:

- approve the work programmes for the sub committees in the light of available resources;
- coordinate strategic and policy directions in areas of shared interests and overlap;
- give formal endorsement to the recommendations of the sub committees and provide the mechanism for channelling these to ECOSOC;
- facilitate and coordinate the smooth running of the sub-committees.

Functions of the Sub-Committee on GHS

Functions of this Sub-committee would be to:

- act as custodian of the GHS, managing and giving direction to the harmonisation process;
- keep the GHS system up to date as necessary, considering the need to introduce changes, ensure its continued relevance and practical utility, and determining the need for and timing of the updating of technical criteria, working with existing bodies as appropriate;
- promote understanding and use of the GHS and to encourage feedback;
- make the GHS available for world wide use and application;

- make guidance available on the application of the GHS, and on the interpretation and use of technical criteria to support consistency of application;
- prepare work programmes and submit recommendations to the committee.

Functions, Participation and Operating Principles of the Sub Committee of ETDG

As already stated above, the Coordinating Group agreed that the proposed mechanism should be such as not to disrupt, interfere or change the current functions, constitution and voting arrangements of the Sub- Committee of Experts on the Transport of Dangerous Goods.

Participation in the reconfigured Committee and the Sub-Committee of Experts on GHS

Although it is hard to determine its exact size and format at present, for the UN CGHS&TDG Committee to be effective, it is necessary to have as wide a participation and membership as practically possible. This is to be drawn from the representation in the sub-committees.

Similarly, for the GHS sub-committee to be effective in supporting and maintaining a global system, it is necessary to have as wide a participation and membership as practically possible. This would include Governments, Inter-Governmental Organisations (IGOs) and Non Governmental Organisations (NGOs.), including representatives of international organizations of employers and workers. Also, NGOs may wish to be represented by regional constituents to put forward particular view points. The ECOSOC rules and the use of the "List of Non-Governmental Organisation in Consultative Status" should allow for adequate NGO participation. If the number of interested countries and organisations is so large as to be practically unmanageable, consideration should be given to how the numbers of formal participants could be limited by using methods already available under ECOSOC rules such as the rotation of member countries.

Once the principle of reconfiguring the current UN CETDG on the basis of the present proposal is eventually agreed by the ECOSOC, definitive membership would then need to be established . This would be done in accordance with the usual UN procedures on the basis of ECOSOC decisions which may require the UN Secretariat to evaluate the interest of Member States, IGOs and NGOs in providing significant input in the work of the proposed Committee and the GHS sub committee. The UN CETDG and ECOSOC should be invited to take the necessary steps to this end.

Operating Principles for the UNCGHS&TDG Committee and GHS Sub Committee

The Coordinating Group suggests that, in accordance with the spirit and practice established by the bodies in implementing the recommendations of Chapter 19 and developing the GHS, the Committee and Sub-Committee on GHS should work by consensus. However, consideration should be given as to whether it is appropriate to introduce a formal resolution mechanism, such as voting in accordance with the rules of procedure normally applicable to UN ECOSOC subsidiary bodies.

The Coordinating Group notes that the GHS Sub-committee would need to conform to the UN rules with respect to the languages used. Normally at meetings interpretation would be required in the 6 UN languages dependent upon actual participation. For the existing CETDG, the working languages for meeting documentation are the working languages of

the UN Secretariat, i.e. English and French. The decision to publish recommendations adopted by the Committee in the 6 UN official languages is made by ECOSOC. The Coordinating Group notes also that translation and interpretation may involve significant costs, compared to current GHS development activities, which are generally conducted in English only.

Resources - Meeting Time

The Coordinating Group recognises that the existing UNCETDG structure, which currently works on a biennial basis, provides an effective model for the GHS. It also notes that the number of meeting days used by the UNCETDG in the past four years had slightly decreased and that further reduction to meeting days required for the existing UNCETDG could be anticipated once the GHS has been established and if certain activities concerning classification criteria for physical hazards were transferred to the new Sub-Committee on GHS. Transference of these meeting days to the new Sub-Committee on GHS would then be expedient and appropriate. However, in general terms it is not envisaged that the overall level of meeting days available to the committee and sub committees would be extended beyond the current 38 days per biennium.

Meetings of the Committee and the two sub-committees should be envisaged back to back taking into account the need to economise travel expenses for participants to one or more of the committees. At such an early stage it is not possible or desirable to identify the exact time commitment to the committee or each sub committee. Detailed issues of Secretarial support still need to be addressed.

Annex

ANALYSIS OF INSTITUTIONAL OPTIONS FOR A GHS IMPLEMENTATION MECHANISM

1. Existing UN Bodies (UNEP, ILO, UN CETDG).

Advantages:

- Broad participation.
- Expertise in particular aspects of chemical safety.

Disadvantages:

- Need for broader mandate: GHS crosses jurisdictional and sectoral boundaries, involving environmental, worker protection, consumer product and transportation issues.
- No single existing body has requisite range of expertise; creating a new inter-organisational entity could lead to unnecessary bureaucracy and excessive cost burden.
- Practical difficulties of start up costs and time scales involved.

2. Other formal international bodies (OECD, IPCS).

Advantages:

- OECD: expertise in test methods, experience with chemical management strategies, established mechanisms for involving non-governmental stakeholders.

Disadvantages:

- OECD: because membership is restricted to developed countries is not as broadly representative as is desirable for effective implementation of the GHS, lack of communications expertise.
- Objectives of OECD programme difficult to reconcile with global harmonisation to satisfaction of wider audience.
- Co-operative basis of IPCS programmes make this an unsuitable forum to take this forward.

Use of the International Standards Organisation (ISO) to develop the GHS as an international standard.

Advantages:

- ISO is well recognised internationally as a standard setting body.

Disadvantages:

- Creation of an international standard could lead to trade disputes based on countries' implementation of the GHS in flexible ways to fit in with their own regulatory frameworks.
- ISO lacks appropriate representation in terms of governments and other stakeholders. As a result, this option would likely face strong opposition from countries and other non-governmental organisations.

4.Reconfiguring the existing UNCETDG.

This option would create a new sub-committee on Harmonised Classification and Labelling and maintain the existing transport sub-committee (with no change in the existing sub-committee's mandate except where there may be a need to avoid duplication of work between the two entities). The parent Committee would be reconstituted with a revised mandate to deal with GHS and transport policy issues and reconstituted membership to reflect the full range of expertise appropriate to this task. The Committee would continue to report to ECOSOC. Technical work would be handled by the sub-committees; the parent committee would have a more strategic role. Meetings would be short and infrequent, possibly amounting to fewer total meeting days for both the new Committee and its two Sub-Committees than the existing UNCETDG and its Sub Committee require.

Advantages:

- Builds on an existing ECOSOC organisation with proven experience in this type of work.
- Uses a well tested mechanism which has wide support and commands respect.
- Subsuming harmonisation issues under a broadened UNCETDG agenda would avoid the risk of duplicating effort on cross-cutting concerns and create a single focus for addressing classification and labelling issues.

- Makes effective use of existing expertise.
- Is consistent with national governments concerns about the need to avoid the proliferation of UN committees and unnecessary bureaucracy.
- Offers realistic prospect of coming close to achieving Agenda 21 targets and time scales.
- ECOSOC achieves the widest governmental representation.
- Appropriate non-governmental involvement can be achieved through official accreditation.
- Widening mandate of an existing structure should allow a mechanism to be put in place more quickly and gain commitment, with minimal resource costs (in terms of meeting days and secretariat support) and no start up costs.
- Although a new subcommittee would be created, it is likely to involve less cost/bureaucracy than a new committee.

Disadvantages:

- There may be a need to address some concerns that reconfiguration of the UN CETDG would disrupt the smooth functioning of existing transport activities. UN CETDG's agenda is considerably broader than harmonisation.

Establishment of a parallel Working Group reporting to ECOSOC (independently or hosted by the UNCETDG, sharing the UNCETDG secretariat).

Advantages:

- -UNCETDG recommendations are regarded as a good model for GHS instrument. This option would have the advantages of building on UNCETDG experience and the broad representativeness of an ECOSOC mechanism.
- Would allay fears about disrupting ongoing transports function.
- Mandate of the group could be structured to further minimise costs, for example by using the Co-ordinating Group for much of the preparatory work on recommendations, limiting meetings to once every 2-3 years or upon request of a certain number of countries.

Disadvantages:

- If hosted by and reporting through the UNCETDG, the Working Group could be in an awkward organisational position, subsidiary to a Committee that lacks the full range of GHS expertise. If, to avoid this concern, a completely separate Working Group were created, some of the advantages of plugging into an existing institutional would be lost.
- Would require decisions to be taken at a political level (national and international) with no guarantee of agreement and a new dimension of time scales.
- The creation of a new committee/working group could result in excessive resource demands. Efforts to minimise these could lead to an ineffective mechanism.